

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Simons *et al.*  
Serial No. : 09/145,916  
Filed : September 2, 1998  
For : "STIMULATION OF ANGIOGENESIS VIA ENHANCED  
ENDOTHELIAL EXPRESSION OF SYNDECAN-4  
CORE PROTEINS"  
Examiner : David Guzo  
Group Art Unit : 1636  
Attorney's Docket No. : BIS-039

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on: July 19, 2004.

Attorney for applicants: David Prashken  
Signature: David Prashken  
Date: July 19, 2004

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THIRD STATEMENT AND VERIFICATION OF SUBSTANTIVE IDENTITY  
BETWEEN THE THIRD COMPUTER READABLE FORM (CRF) COPY  
AND THE THIRD PAPER FORM COPY OF THE "SEQUENCE LISTING"

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Dear Sir:

In substantive response to the Notice To Comply With Requirements  
For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid

Sequence Disclosures mailed April 20, 2004 and extended through July 20, 2004, applicants' undersigned attorney states and verifies the following:

The content of the third paper form copy and the third computer readable form (CRF) copy of the "Sequence Listing" enclosed herewith are the same; the content of the third paper form copy and the third computer readable form (CRF) copy of the "Sequence Listings" enclosed herewith do not contain any New Matter; and the content of the third paper form copy and the third computer readable form (CRF) copy of the "Sequence Listing" enclosed herewith is fully supported by the descriptive and enabled disclosure of the Specification text originally filed September 2, 1998 as USSN 09/145,916.

This third statement and verification of the contents and sameness of the "Sequence Listing" in third paper form copy and third computer readable form (CRF) copy is made pursuant to and in compliance with the requirements as set forth in 37 C.F.R. 1.821-1.825 respectively. Applicants' undersigned attorney respectfully submits that this third statement and verification is also a legally complete and sufficient Response to the instant Notice to comply with requirements for sequence disclosures as such.

Respectfully submitted,

MICHAEL SIMONS  
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## BEST AVAILABLE COPY

Application No. 09/145916

### NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821 - 1.825 for the following reason(s):

- ☒ 1. This application clearly fails to comply with the requirements of 37 CFR 1.821 - 1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 CFR 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e).
- ☒ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 CFR 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 CFR 1.821(e).
- ☐ 7.

Other: \_\_\_\_\_

#### Applicant must provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing"
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d)

For questions regarding compliance with these requirements, please contact:

For Rules Interpretation, call (703) 308-1123

For CRF submission help, call (703) 308-4212

For PatentIn software help, call (703) 557-0400